

State of Michigan



The District Court
16th Judicial District
15140 Farmington Road
Livonia, Michigan 48154-5498
Phone (734) 466-2500

Robert M. Brzezinski
District Judge
Kathleen J. McCann
District Judge

Dennis E. Epler
Magistrate
Joseph F. Mysliwiec
Court Administrator

August 9, 2005

Mr. Corbin Davis
Supreme Court Clerk
P.O. Box 30052
Lansing, MI 48909

RE: Proposed Amendment of Rule 4.101

Dear Clerk Davis:

Review of the proposed amendments to the Court Rule leads us to offer:

Add (C) insert between 3 - 4

"the police agency shall be allowed to designate a ranking command officer to be present at court in the event that the issuing officer's statement in writing opens the possibility for settlement of the case through a negotiated plea satisfactory to the Judge or Magistrate without need of conducting the informal hearing."


"If all of the actions in this section occur and the matter remains unresolved the next action shall be a formal hearing at which time the issuing officer and the defendant are to appear in court."

I believe that this Court Rule is designed to articulate the methodology of the informal hearing procedure, save the police agency unnecessary expense and protect the rights of the charged individual and the issuing officer.


I do believe that once it is clear that discussions have been conducted in an attempt to resolve the matter without the expense of the officer present, the logical next step should be a formal hearing. We note that the practice for formal hearings allows for a pre-hearing negotiation conducted by the prosecutor, issuing officer and the defendant and/or his attorney. Implementation of this amendment will reduce the number of appearances at court for both the police agency and the charged individual.

If anything further is needed, do not hesitate to call on me.

Sincerely,


Joseph F. Mysliwiec
Court Administrator/
Clerk of the Court

Approved:


Kathleen J. McCann
Chief Judge

